

3. Under the provisions of 28 U.S.C. §1441 *et seq.*, the right exists to remove this cause of action from the County Court at Law No. 1 in Jefferson County, Texas to the United States District Court for the Eastern District of Texas, which embraces the place where this action is pending.

4. Plaintiff is, and was at the time this action was commenced, an individual domiciled in Texas. Exhibit 1, Petition, ¶ 2; Exhibit 2, Plaintiff's Answer to Interrogatory No. 1.

5. Mid-Jefferson is now, and was at the time this action commenced, a Louisiana limited liability company with its principal place of business in Louisiana. Exhibit 1, Petition, ¶ 3; Exhibit 3, Louisiana Secretary of State Business Entity Search.

6. In the Petition filed in Jefferson County Court at Law, Plaintiff expressly asserted that she seeks damages "less than \$75,000; thus, any removal to federal court is done in bad faith." Exhibit 1, Petition, ¶ 3. Based on this judicial assertion by Plaintiff, Mid-Jefferson did not seek to remove this case and instead filed its Original Answer in state court and served discovery to Plaintiff.

7. Plaintiff served her Responses to Defendant's Requests for Disclosure on February 16, 2021. There, for the first time, Plaintiff asserted that her incurred medical expenses were at least \$96,171.02; and in addition, she sought recovery for physical pain, mental anguish, physical impairment and/or disability. Exhibit 4, Plaintiff's Response to Request for Disclosure 194.1(d).

8. Because this is a civil action in which Plaintiff and Defendant are citizens of different states, and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, there is original jurisdiction under 28 U.S.C. § 1332(a)(1), and this case may be removed to this Court under 28 U.S.C. § 1441.

9. This Notice of Removal is filed within thirty (30) days of receipt of Plaintiff's Responses to Requests for Disclosure that put Mid-Jefferson on notice that, despite the prior judicial assertion of Plaintiff, the amount in controversy exceeds \$75,000. 28 U.S.C. § 1446(b)(3). This removal is timely under 28 U.S.C. § 1446(c) because the Plaintiff affirmatively plead the amount in controversy would be less than \$75,000 with the apparent intent to deter and prevent Mid-Jefferson from removing the action. Later, when Plaintiff disclosed the amount of medical expenses that significantly exceeded \$75,000, this response provided a basis for removal and triggered Mid-Jefferson's deadline to remove under 28 U.S.C. § 1332. *See* 28 U.S.C. § 1446(c)(3)(B); *see Chapman v. Powermatic, Inc.*, 969 F.2d 160, 161 (5th Cir. 1992) (holding defendant removed the case within 30 days from the time it received answers to interrogatories stating that the amount in controversy was over \$ 50,000); *see Cross v. Bell Helmets, USA*, 927 F. Supp. 209, 214 (E.D. Tex. 1996) (defendant provided by preponderance of evidence that amount in controversy exceeded requisite for jurisdiction citing *Saint Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 294 (1938)) *see also Staton v. Wells Fargo Bank, N.A.*, 192 F. Supp. 2d 681, 684 (N.D. Tex. 2002) (defendant's receipt of interrogatory answers that provided specific insight that claimed relief exceeded jurisdictional requisite provided basis for removal).

10. Pursuant to 28 U.S.C. 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed in County Court at Law No. 1 in Jefferson County, Texas. A copy of the State Court Notice of Removal is attached as Exhibit 5.

11. A copy of the Civil Cover Sheet submitted to this Court is attached as Exhibit 6 and is incorporated herein by reference.

12. Pursuant to Local Rule CV-81(c), the list of all parties, current status of the case, the list of attorneys in the case, the list of parties requesting a jury trial, and the name and address

of the court from which this case was removed is attached as Exhibit 7 and is incorporated herein by reference. A copy of all pleadings that assert causes of action; all answers to such pleadings, and a copy of all process and orders served upon Mid-Jefferson are included as Exhibit 8. A certified copy of the state court docket sheet is attached at Exhibit 9.

WHEREFORE, for the above-stated reasons, Defendant Mid-Jefferson prays that Cause No. 0133253 now pending in the County Court at Law No. 1 in Jefferson County, Texas be removed to this Court without delay.

Respectfully submitted,

ROBBINS TRAVIS PLLC

By: /s/ Susan J. Travis
Susan J. Travis
State Bar No. 20194750

2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Facsimile
sjt@robbinstravis.com

**COUNSEL FOR DEFENDANT
MID-JEFFERSON EXTENDED CARE
HOSPITAL, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel in the following manner this **15th day of March, 2021**:

VIA E-FILING

Mark C. Sparks
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
mark@thefergusonlawfirm.com

/s/ Susan J. Travis
Susan J. Travis

NOTICE OF REMOVAL

Williams\Plead\Fed\Notice of Removal


**Service of Process
Transmittal**

11/25/2020

CT Log Number 538654495

TO: Alexander Leslie Blondeau Jr
Mid-Jefferson Extended Care Hospital, L.L.C.
10124 Jefferson Hwy
Baton Rouge, LA 70809-2725

RE: Process Served in Texas

FOR: Mid-Jefferson Extended Care Hospital, L.L.C. (Domestic State: LA)
According to our records representation services for this entity have been discontinued in this jurisdiction.

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: GENEVIEVE WILLIAMS, PLTF. vs. MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C., DFT.

DOCUMENT(S) SERVED: -

COURT/AGENCY: JEFFERSON COUNTY - COUNTY COURT, TX
Case # 0133253

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 11/25/2020 postmarked on 11/23/2020

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): Charlotte Foutz-Rogers
THE FERGUSON LAW FIRM, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
409-832-9700

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780115473732

SIGNED: C T Corporation System
ADDRESS: 8020 Excelsior Dr Ste 200
Madison, WI 53717-1998

For Questions: 877-467-3525
SmallBusinessTeam@wolterskluwer.com

DOCKET HISTORY:

DOCUMENT(S) SERVED:	DATE AND HOUR OF SERVICE:	TO:	CT LOG NUMBER:
RETURN, PETITION, ATTACHMENT	By Certified Mail on 01/29/2019 postmarked on 01/25/2019	Alexander Leslie Blondeau Jr Mid-Jefferson Extended Care Hospital, L.L.C.	534821564

CERTIFIED MAIL

TX 773

12L

\$6.900
US POSTAGE
FIRST-CLASS
FROM 77707
11/23/2020
stamps
endicia

C 3260007987829



9414 7118 9956 4114 9452 28

MID-JEFFERSON EXTENDED CARE HOSPITAL LLC
C/O CT CORPORATION
1999 BRYAN STREET SUITE 900
DALLAS TX 75201-3140

75201-314025



CERTIFIED MAIL

stamps
com

* 1-UP Laser Form *
* USA CMF - 134 10/19 *



THE STATE OF TEXAS

FILED FOR RECORD
 Carolyn L. Guidry
 1/23/2019 11:38 AM
 COUNTY CLERK
 JEFFERSON COUNTY
 0133253

TO: MID-JEFFERSON EXTENDED CARE HOSPITAL LLC
 C/O CT CORPORATION SYSTEM, 1999 BRYAN ST, STE 900
 DALLAS, TX 75201-0000

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served citation and petition, a default judgment may be taken against you.

Said answer may be filed by mailing same to: CAROLYN L. GUIDRY, Jefferson County Clerk, P.O. Box 1151, Beaumont, Texas 77704, or by bringing it to the office located at 1085 Pearl St., Beaumont, Texas 77701, on the first floor of the new annex.

The case is presently pending in the County Court at Law #1, located at 1149 Pearl St. 2nd floor, Beaumont, Texas 77701, and was filed in said Court on 01/23/19, and numbered 0133253 on the docket.

GENEVIEVE WILLIAMS
 VS
 MID-JEFFERSON EXTENDED CARE
 HOSPITAL, L.L.C.

The name and address of attorney for plaintiff (otherwise the address of plaintiff) is:

ROGERS, CHARLOTTE FOUTZ
 350 PINE STREET, STE 1440
 BEAUMONT, TX 77701-0000
 409-832-9700

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's Original Petition.

accompanying this citation and made a part hereof.

The officer executing this writ shall promptly service the same according to requirements of law, and the mandates hereof, and made due return as the law directs.

Issued and given under my hand and seal of said Court at Beaumont, Texas, this 01/23/19.

CAROLYN L. GUIDRY
 County Court of Jefferson County at Law #1

OFFICE COPY

By

(DENISE TAYLOR) Deputy
 CLERK NOTE: PRECINCT 1-CM/RRR

DO NOT DUPLICATE

OFFICER OR AUTHORIZED PERSON'S RETURN

Came to hand on ____ day of ____, 20____, at ____ o'clock __M. and executed in ____ County, Texas by delivery to the with-in-named defendant in person a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the Plaintiff's petition, at the following time and place to-wit:

Name	Address Where Served	Date	Time

FOR RULE 106 SERVICE: State person served or manner of service

FEE \$ _____

Signature of Authorized Person (Other than Sheriff or Constable)

Sheriff or Constable

County, Texas

CITATION

By _____, Deputy DT

Exhibit 1

FILED FOR RECORD
Carolyn L. Guidry
1/23/2019 10:25 AM
COUNTY CLERK
JEFFERSON COUNTY
0133253

CAUSE NO. 0133253

GENEVIEVE WILLIAMS	§	IN THE COUNTY COURT
	§	
	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
	§	
MID-JEFFERSON EXTENDED	§	
CARE HOSPITAL, L.L.C.	§	AT LAW NO. 1

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, **GENEVIEVE WILLIAMS** ("Plaintiff"), and would file her Original Petition over and against **MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.** ("Defendant"). In support thereof, Plaintiff would show as follows:

1.

Plaintiff intends discovery to be conducted pursuant to Level 3, as set forth and governed by the Texas Rules of Civil Procedure.

2.

Your Plaintiff is a resident of Texas.

Upon information and belief, Defendant **MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.** is a limited liability company formed in the State of Louisiana but doing constant business in the State of Texas. It may be served with process by mailing a copy of the Petition to their registered agent: CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

DT

Exhibit 1

3.

This Court has venue as Defendant conducts significant business in Jefferson County, Texas. Although the amount of damages to be awarded Plaintiff for her actual damages is a matter lying within the discretion of the finder of fact, your Plaintiff would show that it is in excess of the minimum jurisdictional limits of this Court. At this time, Plaintiff seeks less than \$75,000; thus, any removal to federal court is done in bad faith.

4.

This suit is brought by Plaintiff for those damages to which she is entitled to recover from Defendant as a result of her personal injuries sustained on or about February 23, 2018 at Mid-Jefferson Extended Care Hospital, L.L.C. in Nederland, Texas. At all times material hereto, Defendant owned, controlled, and/or operated the premises in question.

Ms. Williams entered upon said premises in response to an express or implied invitation by Defendants. While in Mid-Jefferson Extended Care Hospital, L.L.C., Ms. Williams slipped and fell due to a dangerous condition. This incident, and the injuries resulting therefrom, were brought about to occur and were proximately caused by the negligence of the Defendant.

5.

At all times mentioned herein, Defendant had such control over the premises in question and Defendant owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein.

Said Defendant and/or its agents, servants and employees negligently, willfully, and/or knowingly permitted the area in question to become dangerous; negligently, willfully, and/or knowingly allowed such condition to continue; and negligently willfully and/or

knowingly failed to warn Plaintiff of the dangerous condition. This condition existed despite the fact that Defendant and/or its agents, servants and employees knew or should have known of the existence of the aforementioned condition and that there was a likelihood of a person being injured as occurred to Plaintiff.

Defendant furthermore had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant failed to inspect, warn, and/or cure.

As a result of this accident, Plaintiff sustained severe and disabling injuries and damages, which will be set out more fully hereinafter. This accident and the resulting injuries were brought about to occur and were proximately caused by the negligence of the Defendant. The following acts and omissions *included, but not limited to*, below illustrate how Defendant was negligent:

- a. In failing to properly inspect and maintain the area in question;
- b. In failing to maintain the area in a reasonably safe condition;
- c. In failing to give adequate and understandable warnings to Plaintiff of the unsafe condition;
- d. In failing to discover and remove the dangerous condition within a reasonable time;
- e. In failing to use the care of a reasonably prudent person under the same or similar circumstances;
- f. In failing to place any warning signs; and
- g. In committing various other acts and/or omissions of negligence, both statutorily and at common law, to be specified at the time of trial.

6.

As a result of this incident your Plaintiff has sustained the following injuries, damages and losses:

- a. Medical and other health care related expenses, both past and future;
- b. Physical pain and suffering, both past and future;
- c. Mental anguish, both past and future;
- d. Physical impairment, both past and future; and
- e. Physical disfigurement, both past and future.

In addition, Plaintiff says that if it be shown that she had a pre-existing disease or condition, then she will show that same was neither painful or disabling and that as a result of the injuries inflicted upon her by the negligence of Defendant, Plaintiff's disease(s) or condition(s) were aggravated or incited to the extent that same became painful, disabling and proximately caused the damages described above.

Plaintiff asserts a claim for pre-judgment and post-judgment interest for all elements of damages that such interest is allowed. Plaintiff also asserts a claim for court costs for all costs where such is allowed.

All of the above-listed elements of damages were brought about to occur and were proximately caused by the negligence of the Defendant herein.

7. Request for Disclosure

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

8.

All conditions precedent to Plaintiff's claim for relief has been performed or has occurred.

9. Rule 193.7 Notice

This is given as notice to the Defendant that Plaintiff intends to use all of Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

10.

Plaintiff fully reserves the right to amend or supplement this Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, that upon final trial hereof, the Plaintiff recover against Defendant all of Plaintiff's damages as set forth herein as well as pre-judgment and post-judgment interest at the legal and lawful rate, all costs of court, and all other and further relief, at law or in equity, to which your Plaintiff may be justly entitled.

Respectfully submitted,

THE FERGUSON LAW FIRM, L.L.P.

By: /S/ Charlotte Foutz-Rogers

Cody Dishon

State Bar No. 24082113

Charlotte Foutz-Rogers

State Bar No. 24038068

350 Pine Street, Ste. 1440

Beaumont, Texas 77701

T. (409) 832-9700

F. (409) 832-9708

Email: crogers@thefergusonlawfirm.com

ATTORNEY FOR PLAINTIFF

CAUSE NO. 0133253

GENEVIEVE WILLIAMS,
Plaintiff,

vs.

MID-JEFFERSON EXTENDED
CARE HOSPITAL, L.L.C.,
Defendant.

§IN THE COUNTY COURT OF
§
§
§JEFFERSON COUNTY, TEXAS
§
§
§
§AT LAW NO. 1

**PLAINTIFF'S RESPONSES AND OBJECTIONS TO REQUESTS FOR
INTERROGATORIES**

TO: Defendant, MID JEFFERSON EXTENDED CARE HOSPITAL, L.L.C., by and through their attorney of record, Susan J. Travis, ROBBINS TRAVIS, PLLC. 2485 E. Southlake BLVD., Suite 160, Southlake, TX.

COMES NOW, Plaintiff, Genevieve Williams, in the above entitled and number cause, and pursuant to Texas Rule 197, provides her Responses to Interrogatories.

Respectfully submitted,

THE FERGUSON LAW FIRM, LLP

By: /s/Mark C. Sparks

Mark C. Sparks

State Bar No. 24000273

mark@thefergusonlawfirm.com

Layne Walker

State Bar No. 24118580

lwalker@thefergusonlawfirm.com

350 Pine Street, Ste. 1440

Beaumont, Texas 77701

T. (409) 832-9700

F. (409) 832-9708

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the Texas Rules of Civil Procedure on this, the 16th day of February, 2021.

/s/ Mark C. Sparks
Mark C. Sparks

II. INTERROGATORIES

INTERROGATORY NO. 1: Please identify Plaintiff by stating her address, date of birth, place of birth, social security number, driver's license number, addresses for the past five (5) years, and if Plaintiff has been known by any other name(s) at any other time, state all of her former names and aliases.

NOTE: Other names include maiden names, names from former or subsequent marriages, and name changes of any form, whether made pursuant to court order or otherwise.

ANSWER: Genevieve Renee Hoffpauir Douget Williams

3494 Little Cypress Dr. Orange, TX 77632

DOB: [REDACTED]

SSN: [REDACTED]

DL: [REDACTED]

Past Address: 6430 Lafleur Rd. Orange, TX 77630

Plaintiff reserves the right to supplement.

INTERROGATORY NO. 2: Please identify Plaintiff's employment history for the past ten (10) years. For each employer and/or business with whom you worked, please identify the address, telephone number, immediate supervisor, your job titles or descriptions, your salary, and if self-employed, so state.

NOTE: Please include all "part-time," "second," or "off-duty" jobs.

ANSWER: Plaintiff objects to this request as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects that this request is unduly burdensome, harassing, or overly broad. Subject to the foregoing objections and without waiving the same:

Sam's Club from 2000 or 2001 to 2012

406 N. Brentwood, Lufkin, TX 75904

(936) 639 – 1700

Mike Hampton

Inventory Auditor

Plaintiff reserves the right to supplement.

INTERROGATORY NO. 3: Identify, by date and addressee, each communication, including but not limited to, any telephone conversation, tape recording, correspondence, memoranda and/or discussion between Plaintiff and/or her representatives, and the Defendant and/or its agents, servants, employees or representatives regarding any of the claims set out in Plaintiff's Original Petition or any subsequent Petition filed in this cause.

ANSWER: None. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 4: Please identify by name, address and telephone number, any person expected to be called to testify as a witness at trial pursuant Texas Rule of Civil Procedure 192.3(d).

ANSWER: Plaintiff objects to this request as it seeks information that is not reasonably available. Subject to the foregoing objection and without waiving the same:

Please see all medical records, medical bills, and my fully executed authorization, produced or made available to you. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 5: Please identify all tangible objects that Plaintiff or anyone acting on her behalf has inspected and/or is preserving for use as physical evidence as to any claim Plaintiff is making in this case and further identify the person having custody of each such tangible object described.

ANSWER: Plaintiff objects to this request as it seeks information that is not reasonably available. Subject to the foregoing objection and without waiving the same: Plaintiff has not performed an inspection at this time. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 6: Please identify (*by name, address, telephone number*) all doctors, hospitals, clinics or other health care providers, including any outpatient health care facilities who/which have examined, treated or provided care or treatment to you beginning ten (10) years prior to the Incident. Please include in this answer the actual, or the approximate dates for each such examination, treatment, or care.

ANSWER: Plaintiff objects to this request, as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects to this request, as it is not within the scope of discovery, not relevant and would not lead to the discovery of admissible evidence. Plaintiff also objects to this request as it is unduly burdensome, harassing or overly broad. Subject to said objection, Plaintiffs assert physician-patient or psychotherapist privileges, as well as right-to privacy privileges established by the Texas and United States Constitution. *R.K. v. Ramirez*, 887 S.W.2d 836, 842 (Tex.1994); *In Re Christus Health Southeast Texas*, 167 S.W.3d 596,602 (Tex.App.-Beaumont 2005); See *In Re Leatherwood*, 1998 WL 800341 (Tex.App.-San Antonio 1998, no pet.) (not designated for publication) permitting discovery of medical records to attack a witness's credibility would have a chilling effect on an injured party's decision to seek relief which is not the intended result of the patient litigation exception. Subject to, and without waiving the foregoing objections:

Please see Plaintiff's Medical and Billing Records, Williams00001-00202. Subject to these responses, please see the fully executed authorization attached hereto giving access to the same. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 7: Please describe in detail all personal injuries sustained by Plaintiff, either physical or mental, that allegedly resulted from the Incident, specifically identifying the part(s) of the body affected. Include in this answer the date the injury first occurred, all medical practitioners Plaintiff has consulted for such injuries and the current status of such injuries.

ANSWER: Plaintiff objects to this request as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects that this request is unduly burdensome, harassing, or overly broad as well as invades personal, constitutional, and/or property rights. *Hoffman v. 5th Court of Appeals*, 756 S.W.2d 723 (Tex. 1988) Subject to the foregoing objections and without waiving the same:

I suffer from neck and back injuries that continue to bother me today. The pain gets worse over time. Please refer to my medical records, Williams00001-00202. Subject to these responses, please see the fully executed authorization attached hereto giving access to the same. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 8: Please describe any other accidents, injuries and illnesses sustained by Plaintiff since the Incident, including the date and nature of the accident or injury, specifically identifying the part(s) of the body injured. Please include in this answer the identity of all medical practitioners or medical facilities who/which provided care or treatment for such injuries or illnesses.

ANSWER: Plaintiff objects to this request as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects that this request is unduly burdensome, harassing, or overly broad as well as invades personal, constitutional, and/or property rights. *Hoffman v. 5th Court of Appeals*, 756 S.W.2d 723 (Tex. 1988) Subject to the foregoing objections and without waiving the same:

I suffer from neck and back injuries that continue to bother me today. The pain gets worse over time. Please refer to my medical records, Williams00001-00202. Subject to these responses, please see the fully executed authorization attached hereto giving access to the same. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 9: Please identify all doctors, hospitals, clinics or other health care providers, including any outpatient health care facilities who/which have examined, treated or provided care or treatment to you since the Incident. Please include in this answer the actual, or the approximate dates for each such examination, treatment, or care.

ANSWER: Plaintiff objects to this request as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects that this request is unduly burdensome, harassing, or overly broad as well as invades personal, constitutional, and/or property rights. *Hoffman v. 5th Court of Appeals*, 756 S.W.2d 723 (Tex. 1988) Subject to the foregoing objections and without waiving the same:

Please refer to my medical records, Williams00001-00202. Subject to these responses, please see the fully executed authorization attached hereto giving access to the same. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 10: If Plaintiff has been convicted of a felony involving moral

turpitude or any crime involving truthfulness such as bribery, perjury, theft or false swearing, then please state the cause number, venue, names of all parties and convictions for each such felony or other crime involving truthfulness.

ANSWER: Not applicable.

INTERROGATORY NO. 11: If Plaintiff has ever been a party to a previous lawsuit and/or involved in a previous claim for workers' compensation or non-subscriber benefits, then please list the style of the lawsuit, the cause number and court, and disposition of each and every lawsuit and/or claim.

ANSWER: Not applicable.

INTERROGATORY NO. 12: Please identify any and all pharmacies in which Plaintiff has filled or otherwise obtained any prescriptions for medications in the last ten (10) years.

ANSWER: Walmart Pharmacy's in Orange, Bridge City and Nederland. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 13: If you intend or may use impeachment efforts at the trial of this case concerning any conviction of any crime committed by Plaintiff, Defendant, Defendant's designated experts and/or, persons listed by Defendant as having knowledge of relevant facts or response to interrogatories propounded by any Plaintiff in this case, please list each such person who may be impeached, together with the specific crime and date of such crime for which you intend or may impeach such person.

ANSWER: Plaintiff objects to this request as it seeks information that is not reasonably available. Subject to the foregoing objection and without waiving the same: Discovery is ongoing, and Plaintiff will supplement as responsive information is obtained. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 14: Please describe the "dangerous condition" you alleged in Paragraph 4 of Plaintiff's Original Petition existed at the time of the incident, and state the time of the incident, the location of such condition, how long you contend Defendant knew of such condition, and what prevented you from having knowledge of such condition.

ANSWER: Plaintiff objects to this request as it improperly requires Plaintiff to marshal all her proof and is a fishing expedition in contravention to *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989); *Texaco, Inc. v. Doningues*, 812 S.W.2d 451 (Tex.App.San Antonio 1991). Subject to the foregoing objections and without waiving the same:

The floor was wet without a sign.

INTERROGATORY NO. 15: Please identify all persons who had personal knowledge of the presence of the "dangerous condition" prior to the incident, and state the time each person had such knowledge.

ANSWER: Plaintiff objects to this request as it improperly requires Plaintiff to marshal all her proof and is a fishing expedition in contravention to *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989); *Texaco, Inc. v. Domingues*, 812 S.W.2d 451 (Tex.App.San Antonio 1991). Plaintiff further objects that this request seeks information that is not reasonably available. Subject to the foregoing objections and without waiving the same:

Please see my deposition once taken as well as Plaintiff's Original Petition.

INTERROGATORY NO. 16: Please state whether or not you made a claim with any other insurance company for payment of any medical expenses or for payment of any benefits whatsoever as a result of the incident made the basis of this suit. If so, please state the name and address of the insurance company and your policy number or identification number and the amount, if applicable, paid by such insurance company.

ANSWER: Plaintiff will supplement.

INTERROGATORY NO. 17: Please state the amount of medical or health care expenses that have actually been paid or are payable on behalf of Plaintiff after any Medicare or health insurance reimbursement or adjustments were made.

ANSWER: Plaintiff objects to this request as it is not within the scope of discovery, is not relevant, and would not lead to admissible evidence. Plaintiff further objects that this request is unduly burdensome, harassing, or overly broad as well as invades personal, constitutional, and/or property rights. *Hoffman v. 5th Court of Appeals*, 756 S.W.2d 723 (Tex. 1988) Subject to the foregoing objections and without waiving the same:

Please refer to my medical records, Williams00001-00202. Subject to these responses, please see the fully executed authorization attached hereto giving access to the same. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices. Plaintiff reserves the right to supplement.

INTERROGATORY NO. 18: Has an employee or agent of Plaintiff or Plaintiff's attorney been assigned the duties of, or undertaken to make visual observation of Defendant at any time or place since the date of Plaintiff's injury/accident made the basis of this lawsuit, or has any outside investigator been hired or retained to perform such surveillance or visual observation of Defendant's property or equipment made the basis of this lawsuit or to interview Defendant's employees? If your answer is in the affirmative, please include the name, job title, and address of such person(s).

ANSWER: Not applicable.

INTERROGATORY NO. 19: State all efforts and attempts made by Plaintiff's counsel to serve Defendant with Plaintiff's Original Petition and include in this answer the date each effort / attempt was made.

ANSWER: Please see Williams00203-00207 and Williams00208-00210.

**State of
Louisiana
Secretary of
State**



COMMERCIAL DIVISION
225.925.4704

Fax Numbers

225.932.5317 (Admin. Services)
225.932.5314 (Corporations)
225.932.5318 (UCC)

Name	Type	City	Status
MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.	Limited Liability Company	BATON ROUGE	Active

Previous Names

Business: MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.

Charter Number: 40573981K

Registration Date: 7/27/2011

Domicile Address

10124 JEFFERSON HIGHWAY
BATON ROUGE, LA 70809

Mailing Address

C/O ALEXANDER L. BLONDEAU
10124 JEFFERSON HIGHWAY
BATON ROUGE, LA 70809

Status

Status: **Active**

Annual Report Status: **In Good Standing**

File Date: 7/27/2011

Last Report Filed: 7/8/2020

Type: Limited Liability Company

Registered Agent(s)

Agent:	ALEXANDER L. BLONDEAU
Address 1:	10124 JEFFERSON HIGHWAY
City, State, Zip:	BATON ROUGE, LA 70809
Appointment Date:	7/27/2011

Officer(s)

Additional Officers: No

Officer:	ALEXANDER L. BLONDEAU
Title:	Manager
Address 1:	10124 JEFFERSON HIGHWAY
City, State, Zip:	BATON ROUGE, LA 70809

Officer:	DOUGLAS B. BOULWARE
Title:	Manager
Address 1:	1000 CHINABERRY DR., SUITE 200
City, State, Zip:	BOSSIER CITY, LA 71111

Exhibit 3

Amendments on File

No Amendments on file

Print

CAUSE NO. 0133253

GENEVIEVE WILLIAMS,
Plaintiff,

vs.

MID-JEFFERSON EXTENDED
CARE HOSPITAL, L.L.C.,
Defendant.

§
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§
§
§
§
§

IN THE COUNTY COURT OF

JEFFERSON COUNTY, TEXAS

AT LAW NO. 1

PLAINTIFF'S RESPONSES TO DEFENDANT'S
REQUEST FOR DISCLOSURES

TO: Defendant, MID JEFFERSON EXTENDED CARE HOSPITAL, L.L.C., by and through their attorney of record, Susan J. Travis, ROBBINS TRAVIS, PLLC. 2485 E. Southlake BLVD., Suite 160, Southlake, TX.

COMES NOW, Plaintiff, Genevieve Williams, in the above entitled and number cause, and pursuant to Texas Rule 194, provides her Responses to Disclosure.

Respectfully submitted,

THE FERGUSON LAW FIRM, LLP

By: /s/Mark C. Sparks

Mark C. Sparks

State Bar No. 24000273

mark@thefergusonlawfirm.com

Layne Walker

State Bar No. 24118580

lwalker@thefergusonlawfirm.com

350 Pine Street, Ste. 1440

Beaumont, Texas 77701

T. (409) 832-9700

F. (409) 832-9708

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the Texas Rules of Civil Procedure on this, the 16th day of February, 2021.

/s/ Mark C. Sparks
Mark C. Sparks

**PLAINTIFF'S RESPONSES TO DEFENDANT KOLTON HORN'S
REQUEST FOR DISCLOSURES**

(a) the correct names of the parties to the lawsuit;

RESPONSE:

**Genevieve Williams
Mid Jefferson Extended Care Hospital, L.L.C.**

(b) the name, address, and telephone number of any potential parties;

RESPONSE:

None at this time. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

(c) the legal theories and, in general, the factual basis of the Plaintiffs' claims;

RESPONSE:

This suit is brought by Plaintiff for those damages to which she is entitled to recover from Defendant as a result of her personal injuries sustained on or about February 23, 2018 at Mid-Jefferson Extended Care Hospital, L.L.C. in Nederland, Texas. At all times material hereto, Defendant owned, controlled, and/or operated the premises in question.

Ms. Williams entered upon said premises in response to an express or implied invitation by Defendants. While in Mid-Jefferson Extended Care Hospital, L.L.C., Ms. Williams slipped and fell due to a dangerous condition. This incident, and the injuries resulting therefrom, were brought about to occur and were proximately caused by the negligence of the Defendant.

NEGLIGENCE OF MID JEFFERSON EXTENDED CARE HOSPITAL L.L.C.

At all times mentioned herein, Defendant had such control over the premises in question and Defendant owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein.

Said Defendant and/or its agents, servants and employees negligently, willfully, and/or knowingly permitted the area in question to become dangerous; negligently, willfully, and/or knowingly allowed such condition to continue; and negligently willfully and/or knowingly failed to warn Plaintiff of the dangerous condition. This condition existed despite the fact that Defendant and/or its agents, servants and employees knew or should have known of the existence of the aforementioned condition and that there was a likelihood of a person being injured as occurred to Plaintiff.

Defendant furthermore had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant failed to inspect, warn, and/or cure.

As a result of this accident, Plaintiff sustained severe and disabling injuries and damages, which will be set out more fully hereinafter. This accident and the resulting injuries were brought about to occur and were proximately caused by the negligence of the Defendant. The following acts and omissions *included, but not limited to*, below illustrate how Defendant was negligent:

- a. In failing to properly inspect and maintain the area in question;
- b. In failing to maintain the area in a reasonably safe condition;
- c. In failing to give adequate and understandable warnings to Plaintiff of the unsafe condition;
- d. In failing to discover and remove the dangerous condition within a reasonable time;
- e. In failing to use the care of a reasonably prudent person under the same or similar circumstances;
- f. In failing to place any warning signs; and
- g. In committing various other acts and/or omissions of negligence, both statutorily and at common law, to be specified at the time of trial.

PLAINTIFF GENEVIEVE WILLIAMS' DAMAGES

As a result of the collision made the basis of this lawsuit, Plaintiff **GENEVIEVE WILLIAMS** suffered severe, significant, disabling and life-altering personal injuries, damages and losses. As such, she is entitled to recover and hereby sues for the recovery of the following elements of damages:

- (1) Reasonable and necessary medical and other health care-related expenses sustained in the past and which, in reasonable probability, she will sustain in the future;
- (2) Loss and/or impairment of earnings and/or earning capacity sustained in the past and which, in reasonable probability, she will sustain in the future;
- (3) Physical pain sustained in the past and which, in reasonable probability, she will sustain in the future;
- (4) Mental anguish and emotional distress sustained in the past and which, in reasonable probability, she will sustain in the future;
- (5) Physical impairment sustained in the past and which, in reasonable probability, she will sustain in the future;
- (6) Physical disfigurement sustained in the past and which, in reasonable probability, she will sustain in the future;
- (7) Loss and/or impairment of his enjoyment of life sustained in the past and which, in reasonable probability, she will sustain in the future;
- (8) Loss of consortium; and
- (9) Such further legal and equitable relief as this court may deem proper.

Plaintiff **GENEVIEVE WILLIAMS** would show the above-stated damages, injuries and losses were brought to occur, and were legally and proximately caused, by the negligence of Defendant.

As a result of the facts described above, the Plaintiff has been made to suffer and sustain at the hands of the Defendants these damages, as well as general and special damages, for which the Plaintiff affirmatively seeks from the Defendants.

(d) the amount and any method of calculating economic damages;

RESPONSE:

<u>TOTAL INCURRED MEDICAL EXPENSES</u>				
<u>FOR</u>				
<u>G. Williams 800-1</u>				

<u>DATE(S) OF</u>	<u>HEALTH CARE</u>	<u>PAID</u>	<u>OWED</u>	<u>TOTAL</u>
<u>TREATMENT</u>	<u>PROVIDER</u>			
	<u>(NAME)</u>			
<u>2/23/2018</u>	<u>SETX Imaging</u>	<u>\$39.30</u>	<u>\$10.02</u>	<u>\$49.32</u>
<u>2/23/2018</u>	<u>Acadian Ambulance</u>	<u>\$283.80</u>	<u>\$0.00</u>	<u>\$283.80</u>
<u>2/23/2018-</u>	<u>Medical Center of SETX</u>	<u>\$453.14</u>	<u>\$84.65</u>	<u>\$537.79</u>
<u>3/02/2018</u>				
<u>4/05/2018-</u>	<u>SETMA</u>	<u>\$455.15</u>	<u>\$280.96</u>	<u>\$736.11</u>
<u>10/22/2018</u>				
<u>3/21/2018-</u>	<u>Catalyst Medical & Gulf</u>	<u>\$94,564.00</u>	<u>\$0.00</u>	<u>\$94,564.00</u>
<u>9/12/2018</u>	<u>Coast Injury Rehab</u>			
	<u>TOTAL =</u>	<u>\$95,795.39</u>	<u>\$375.63</u>	<u>\$96,171.02</u>

Plaintiff believes that the best and most accurate method to calculate Plaintiff's total damages is for a jury of his peers in Jefferson County to listen to the evidence and make a fair determination. While Ms. WILLIAMS has received significant and quality medical care, she continues to treat and experience pain/discomfort in her back and neck. Plaintiff has provided a signed authorization produced for requesting party to obtain her medical

and billing records. Additionally, Plaintiff refers Defendant to all medical and billing records that were previously e-filed. Plaintiff reserves her right to supplement.

Based on Plaintiff's understanding of the law and the facts known at this time regarding the acts of Defendant proximately causing her injuries and damages, it is her opinion that a jury of fair and reasonable people would be justified in establishing damages in this case, which will include damages for medical, physical pain, mental anguish, physical impairment and/or disability. A jury may further be justified in establishing actual and exemplary damages against the individual Defendant, in addition to all other elements of recovery allowed by law.

Plaintiff reserves the right to supplement.

- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

RESPONSE:

GENEVIEVE WILLIAMS
c/o Mark C. Sparks
The Ferguson Law Firm, LLP
350 Pine St., Suite 1440
Beaumont, Texas 77701
Plaintiff

MID JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.
c/o Susan J. Travis
Mehaffy Weber
2485 E. Southlake Blvd.,
Southlake, TX 76092
Defendant

Employees, Doctors, and Custodians of Medical and/or Patient Account Records for the following medical providers:

Kevin Gilbert
Acadian Ambulance
130 E. Kaliste Saloom Rd.
Lafayette, LA 70508
Treating Physician

The custodians of records will testify as to the records kept in the ordinary course of business, which pertain to the Plaintiffs.

Plaintiffs reserve the right to cross-examine and elicit the testimony of any person with knowledge designated and/or called by any of the Defendants.

Plaintiffs reserve the right to cross-examine and elicit the testimony of any expert designated and/or called by any of the Defendants.

Additionally, Plaintiffs hereby incorporate by reference any expert witness designated by any other party or future party to their litigation. Plaintiffs hereby incorporate by reference any deposition testimony, reports, and/or Affidavits of any of these expert witnesses.

Plaintiffs reserve the right to call undesignated expert witnesses whose testimony cannot be reasonably foreseen until the presentation of evidence against Plaintiffs as proper under Texas Rules of Civil Procedure. In addition, Plaintiffs reserve the right to call at trial any of the following:

Any individual who has been or will be named by any other party to this lawsuit in response to any interrogatory or request for disclosure or whose name may appear on any document which has been produced or will be produced by any party in response to a request for production or a request for disclosure;

Any individual whose name is contained in or reflected in any document which has been or will be obtained through deposition on written questions, or whose name appears in any oral deposition taken in this case including any documents produced at such depositions;

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Any individual whose name is reflected in any document which has been or will be subpoenaed by any party hereto; and,

Any individual who may be called by any party hereto as a rebuttal witness.

The opinion of any witness named herein may be found in the relevant records previously produced or made available and may be elicited.

**Dayna Noonan
Acadian Ambulance
130 E. Kaliste Saloom Rd.
Lafayette, LA 70508
*Treating Physician***

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Beaumont, TX 77701
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Catalyst Medical Suites
6025 Metropolitan Dr. Suite 200
Beaumont, TX 77706
*Treating Physician***

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**Robert Mchugh
The Medical Center of Southeast Tx
2555 Jimmy Johnson Blvd,
Port Arthur, TX 77641
*Treating Physician***

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**Michael Kolcun
The Medical Center of Southeast Tx
2555 Jimmy Johnson Blvd,
Port Arthur, TX 77641
*Treating Physician***

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**Michael Thomas, MD
Southeast Texas Medical Associates
2010 Dowlen Rd.
Beaumont, TX 77706
*Treating Physician***

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The opinion of any witness named herein may be found in the relevant records previously produced or made available and may be elicited.

(f) for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the Defendant, documents reflecting such information.
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the Defendant;

(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

(B) the expert's current resume and bibliography

RESPONSE:

Kevin Gilbert
Acadian Ambulance
130 E. Kaliste Saloom Rd.
Lafayette, LA 70508
Treating Physician

This medical provider will testify regarding the injuries sustained by Plaintiff, the cause of those injuries, and the medical treatment provided to treat those injuries. This medical provider has further knowledge regarding the medical bills, both past and future, including those bills and treatments made necessary as a result of this incident, and the usual and customary charges for the same or similar services in the area in which they were rendered. This medical provider will also testify to the Plaintiff's injuries, damages, physical impairment, physical disfigurement, and impaired physical capacity with limitations as a result of the injuries. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

This medical provider has knowledge regarding the injuries sustained by Plaintiff, the cause of those injuries, and the medical treatment provided to treat those injuries. This medical provider has further knowledge regarding the medical bills, both past and future, including those bills and treatments made necessary as a result of this incident, and the usual and customary charges for the same or similar services in the area in which they were rendered. This medical provider will also testify to the Plaintiff's injuries, damages, physical impairment, physical disfigurement, and impaired physical capacity with limitations as a result of the injuries. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

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**Brent Mainwaring, MD
The ODC
3405 College St.
Beaumont, TX 77701
*Treating Physician***

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David Singleton, MD
Catalyst Medical Suites
6025 Metropolitan Dr. Suite 200
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cause of those injuries, and the medical treatment provided to treat those injuries. This medical provider has further knowledge regarding the medical bills, both past and future, including those bills and treatments made necessary as a result of this incident, and the usual and customary charges for the same or similar services in the area in which they were rendered. This medical provider will also testify to the Plaintiff's injuries, damages, physical impairment, physical disfigurement, and impaired physical capacity with limitations as a result of the injuries. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

This medical provider is not retained by, employed by, or otherwise subject to the control of the responding party. Accordingly, Plaintiff has not only produced Plaintiff's medical records in this case (including those of this provider), Plaintiff will also provide a fully executed HIPPA authorization giving Defendant full access to same. Additionally, Plaintiff offers Defendant an opportunity to inspect and copy these medical records at his law offices at 350 Pine Street, Suite 1440, Beaumont, Texas 77701 at a mutually convenient time. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

Robert Mchugh
The Medical Center of Southeast Tx
2555 Jimmy Johnson Blvd,
Port Arthur, TX 77641
Treating Physician

This medical provider will testify regarding the injuries sustained by Plaintiff, the cause of those injuries, and the medical treatment provided to treat those injuries. This medical provider has further knowledge regarding the medical bills, both past and future, including those bills and treatments made necessary as a result of this incident, and the usual and customary charges for the same or similar services in the area in which they were rendered. This medical provider will also testify to the Plaintiff's injuries, damages, physical impairment, physical disfigurement, and impaired physical capacity with limitations as a result of the injuries. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

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Michael Kolcun
The Medical Center of Southeast Tx
2555 Jimmy Johnson Blvd,
Port Arthur, TX 77641
Treating Physician

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treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

Michael Thomas, MD
Southeast Texas Medical Associates
2010 Dowlen Rd.
Beaumont, TX 77706
Treating Physician

This medical provider will testify regarding the injuries sustained by Plaintiff, the cause of those injuries, and the medical treatment provided to treat those injuries. This medical provider has further knowledge regarding the medical bills, both past and future, including those bills and treatments made necessary as a result of this incident, and the usual and customary charges for the same or similar services in the area in which they were rendered. This medical provider will also testify to the Plaintiff's injuries, damages, physical impairment, physical disfigurement, and impaired physical capacity with limitations as a result of the injuries. This treater will opine as to some or all of the bills that were paid and/or incurred, including those identified in these already-produced records and in the chart of medical bills on this disclosure response.

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(g) any discoverable indemnity and insuring agreements;

RESPONSE:

Plaintiff is not in possession, custody or control of documents responsive to this request. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

(h) any discoverable settlement agreements;

RESPONSE:

Plaintiff is not in possession, custody or control of documents responsive to this request. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

(i) any discoverable witness statements;

RESPONSE:

Plaintiff is not in possession, custody or control of documents responsive to this request. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

(j) all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

See attached, Williams00001-00202. Additionally, Plaintiff will provide an executed medical authorization to Defendant in response to request. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing. Please see all medical records, medical bills, and my fully executed authorization, produced or made available to you. Finally, Plaintiff tenders responsive documents for inspection and copying at a mutually convenient time at the undersigned law offices.

(k) all medical records and bills obtained by the Defendant by virtue of any authorization furnished by the Plaintiff.

RESPONSE:

Plaintiff is not in possession, custody or control of documents responsive to this request. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

(l) the name, address, and telephone number of any person who maybe designed as a responsible third party.

RESPONSE:

None known to Plaintiff at this time. Plaintiff reserves the right to supplement this request, if necessary, as discovery in this matter is ongoing.

CAUSE NO. 0133253

GENEVIEVE WILLIAMS	§	IN THE COUNTY COURT
	§	
	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
	§	
MID-JEFFERSON EXTENDED	§	
CARE HOSPITAL, L.L.C.	§	AT LAW NO. 1

**DEFENDANT MID-JEFFERSON EXTENDED CARE HOSPITAL L.L.C.'S
NOTICE OF FILING NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, Mid-Jefferson Extended Care Hospital, L.L.C., and pursuant to 28 U.S.C. §1446(d) gives notice that it has filed with the United States District Court for the Eastern District of Texas, Beaumont Division, a Notice of Removal of this cause to that Court. A copy of that Notice of Removal (without its Exhibits) is attached hereto as Exhibit A. A copy of that Notice of Removal has been duly served on counsel for Plaintiff.

Respectfully submitted,

ROBBINS TRAVIS PLLC

By: /s/ Susan J. Travis
Susan J. Travis
State Bar No. 20194750

2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Facsimile
slt@robbinstravis.com

**COUNSEL FOR DEFENDANT
MID-JEFFERSON EXTENDED CARE
HOSPITAL, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel in the following manner this **15th day of March, 2021**:

VIA E-FILING

Mark C. Sparks
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
mark@thefergusonlawfirm.com

/s/ Susan J. Travis
Susan J. Travis

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Genevieve Williams

(b) County of Residence of First Listed Plaintiff Orange County, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mark C. Sparks & Layne Walker, Jr., The Ferguson Law Firm, L.L.P., 350 Pine Street, Ste. 1440, Beaumont, TX 77701. Telephone: (409) 832-9700

DEFENDANTS

Mid-Jefferson Extended Care Hospital, L.L.C.

County of Residence of First Listed Defendant East Baton Rouge, LA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Susan J. Travis & Lincoln A. Floyd, Robbins Travis PLLC, 2485 E. Southlake Blvd., Suite 160, Southlake, TX 76092, Telephone (817) 918-2300

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

VI. CAUSE OF ACTION

Brief description of cause:
Premises Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/15/2021

SIGNATURE OF ATTORNEY OF RECORD

Susan J. Travis

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Exhibit 6

**IN IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

GENEVIEVE WILLIAMS,

Plaintiff,

VS.

**MID-JEFFERSON EXTENDED
CARE HOSPITAL, L.L.C.**

Defendant.

Civil No. _____

EXHIBIT 7 TO NOTICE OF REMOVAL

Pursuant to Local Rule CV-81, Mid- Jefferson Extended Care Hospital, L.L.C. provides this list of parties in the case, status of the case, and list of attorneys involved in the action.

List of Parties:

- Plaintiff: Genevieve Williams
- Defendant: Mid-Jefferson Extended Care Hospital, L.L.C.

Current Status:

This case was filed in the County Court at Law #1 in Jefferson County, Texas on January 23, 2019, and defendant was served on November 25, 2020. All claims in Plaintiff's Original Petition as well as the Affirmative Defense pleaded by Defendant are still pending at the time of removal.

List of Attorneys

**Attorneys for Defendant Mid-Jefferson
Extended Care Hospital, L.L.C.**

Susan J. Travis
State Bar No. 20194750
2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Fax
slt@robbinstravis.com

Lincoln A. Floyd
State Bar No. 24118386
2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Fax
laf@robbinstravis.com

Attorneys for Plaintiff Genevieve Williams

Mark C. Sparks
State Bar No. 24000273
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
(409) 832-9700 Telephone
(409) 832-9708 Fax
mark@thefergusonlawfirm.com

Layne Walker, Jr.
State Bar No. 24118580
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
(409) 832-9700 Telephone
(409) 832-9708 Fax
lwalker@thefergusonlawfirm.com

Jury Trial Requests:

Defendant Mid-Jefferson Extended Care Hospital, L.L.C. is the only party to demand a jury trial. *See* Jury Demand filed contemporaneously herewith.

Name and Address of Court from Which This Case Was Removed:

County Court at Law #1
Honorable Gerald W. Eddins
1149 Pearl St., # 202
Beaumont, TX 77701

Respectfully submitted,

ROBBINS TRAVIS PLLC

By: /s/ Susan J. Travis
Susan J. Travis
State Bar No. 20194750

2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Facsimile
sjt@robbinstravis.com

**COUNSEL FOR DEFENDANT
MID-JEFFERSON EXTENDED CARE
HOSPITAL, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel in the following manner this **15th day of March, 2021:**

VIA E-FILING

Mark C. Sparks
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
mark@thefergusonlawfirm.com

/s/ Susan J. Travis
Susan J. Travis


**Service of Process
Transmittal**

11/25/2020

CT Log Number 538654495

TO: Alexander Leslie Blondeau Jr
Mid-Jefferson Extended Care Hospital, L.L.C.
10124 Jefferson Hwy
Baton Rouge, LA 70809-2725

RE: Process Served in Texas

FOR: Mid-Jefferson Extended Care Hospital, L.L.C. (Domestic State: LA)
According to our records representation services for this entity have been discontinued in this jurisdiction.

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: GENEVIEVE WILLIAMS, PLTF. vs. MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C., DFT.

DOCUMENT(S) SERVED: -

COURT/AGENCY: JEFFERSON COUNTY - COUNTY COURT, TX
Case # 0133253

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 11/25/2020 postmarked on 11/23/2020

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): Charlotte Foutz-Rogers
THE FERGUSON LAW FIRM, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
409-832-9700

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780115473732

SIGNED: C T Corporation System
ADDRESS: 8020 Excelsior Dr Ste 200
Madison, WI 53717-1998

For Questions: 877-467-3525
SmallBusinessTeam@wolterskluwer.com

DOCKET HISTORY:

DOCUMENT(S) SERVED:	DATE AND HOUR OF SERVICE:	TO:	CT LOG NUMBER:
RETURN, PETITION, ATTACHMENT	By Certified Mail on 01/29/2019 postmarked on 01/25/2019	Alexander Leslie Blondeau Jr Mid-Jefferson Extended Care Hospital, L.L.C.	534821564

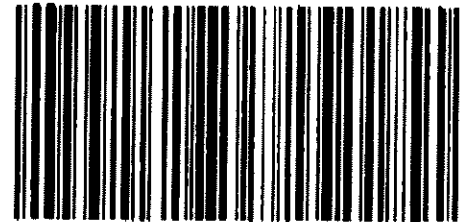
CERTIFIED MAIL

TX 773

12L

\$6.90
US POSTAGE
FIRST-CLASS
FROM 77707
11/23/2020
stamps
endicia

C 3260007987829



9414 7118 9956 4114 9452 28

MID-JEFFERSON EXTENDED CARE HOSPITAL LLC
C/O CT CORPORATION
1999 BRYAN STREET SUITE 900
DALLAS TX 75201-3140

75201-314025



CERTIFIED MAIL

stamps
.com

* 1-UP Laser Form *
* USA CMF - 134 10/19 *



THE STATE OF TEXAS

FILED FOR RECORD
 Carolyn L. Guidry
 1/23/2019 11:38 AM
 COUNTY CLERK
 JEFFERSON COUNTY
 0133253

TO: MID-JEFFERSON EXTENDED CARE HOSPITAL LLC
 C/O CT CORPORATION SYSTEM, 1999 BRYAN ST, STE 900
 DALLAS, TX 75201-0000

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served citation and petition, a default judgment may be taken against you.

Said answer may be filed by mailing same to: CAROLYN L. GUIDRY, Jefferson County Clerk, P.O. Box 1151, Beaumont, Texas 77704, or by bringing it to the office located at 1085 Pearl St., Beaumont, Texas 77701, on the first floor of the new annex.

The case is presently pending in the County Court at Law #1, located at 1149 Pearl St. 2nd floor, Beaumont, Texas 77701, and was filed in said Court on 01/23/19, and numbered 0133253 on the docket.

GENEVIEVE WILLIAMS
 VS
 MID-JEFFERSON EXTENDED CARE
 HOSPITAL, L.L.C.

The name and address of attorney for plaintiff (otherwise the address of plaintiff) is:

ROGERS, CHARLOTTE FOUTZ
 350 PINE STREET, STE 1440
 BEAUMONT, TX 77701-0000
 409-832-9700

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's Original Petition.

accompanying this citation and made a part hereof.

The officer executing this writ shall promptly service the same according to requirements of law, and the mandates hereof, and made due return as the law directs.

Issued and given under my hand and seal of said Court at Beaumont, Texas, this 01/23/19.

CAROLYN L. GUIDRY
 County Court of Jefferson County at Law #1

OFFICE COPY

By _____
 (DENISE TAYLOR) Deputy
 CLERK NOTE: PRECINCT 1-CM/RRR

DO NOT DUPLICATE

OFFICER OR AUTHORIZED PERSON'S RETURN

Came to hand on _____ day of _____, 20____, at _____ o'clock ____ M. and executed in _____ County, Texas by delivery to the with-in-named defendant in person a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying true and correct copy of the Plaintiff's petition, at the following time and place to-wit:

Name	Address Where Served	Date	Time

FOR RULE 106 SERVICE: State person served or manner of service

FEE \$ _____

Signature of Authorized Person (Other than Sheriff or Constable)

Sheriff or Constable

County, Texas

CITATION

By _____, Deputy

Exhibit 8

FILED FOR RECORD
Carolyn L. Guidry
1/23/2019 10:25 AM
COUNTY CLERK
JEFFERSON COUNTY
0133253

CAUSE NO. 0133253

GENEVIEVE WILLIAMS	§	IN THE COUNTY COURT
	§	
	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
	§	
MID-JEFFERSON EXTENDED	§	
CARE HOSPITAL, L.L.C.	§	AT LAW NO. 1

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, **GENEVIEVE WILLIAMS** ("Plaintiff"), and would file her Original Petition over and against **MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.** ("Defendant"). In support thereof, Plaintiff would show as follows:

1.

Plaintiff intends discovery to be conducted pursuant to Level 3, as set forth and governed by the Texas Rules of Civil Procedure.

2.

Your Plaintiff is a resident of Texas.

Upon information and belief, Defendant **MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.** is a limited liability company formed in the State of Louisiana but doing constant business in the State of Texas. It may be served with process by mailing a copy of the Petition to their registered agent: CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

DT

Exhibit 8

3.

This Court has venue as Defendant conducts significant business in Jefferson County, Texas. Although the amount of damages to be awarded Plaintiff for her actual damages is a matter lying within the discretion of the finder of fact, your Plaintiff would show that it is in excess of the minimum jurisdictional limits of this Court. At this time, Plaintiff seeks less than \$75,000; thus, any removal to federal court is done in bad faith.

4.

This suit is brought by Plaintiff for those damages to which she is entitled to recover from Defendant as a result of her personal injuries sustained on or about February 23, 2018 at Mid-Jefferson Extended Care Hospital, L.L.C. in Nederland, Texas. At all times material hereto, Defendant owned, controlled, and/or operated the premises in question.

Ms. Williams entered upon said premises in response to an express or implied invitation by Defendants. While in Mid-Jefferson Extended Care Hospital, L.L.C., Ms. Williams slipped and fell due to a dangerous condition. This incident, and the injuries resulting therefrom, were brought about to occur and were proximately caused by the negligence of the Defendant.

5.

At all times mentioned herein, Defendant had such control over the premises in question and Defendant owed certain duties to Plaintiff, the breach of which proximately caused the injuries set forth herein.

Said Defendant and/or its agents, servants and employees negligently, willfully, and/or knowingly permitted the area in question to become dangerous; negligently, willfully, and/or knowingly allowed such condition to continue; and negligently willfully and/or

knowingly failed to warn Plaintiff of the dangerous condition. This condition existed despite the fact that Defendant and/or its agents, servants and employees knew or should have known of the existence of the aforementioned condition and that there was a likelihood of a person being injured as occurred to Plaintiff.

Defendant furthermore had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendant failed to inspect, warn, and/or cure.

As a result of this accident, Plaintiff sustained severe and disabling injuries and damages, which will be set out more fully hereinafter. This accident and the resulting injuries were brought about to occur and were proximately caused by the negligence of the Defendant. The following acts and omissions *included, but not limited to*, below illustrate how Defendant was negligent:

- a. In failing to properly inspect and maintain the area in question;
- b. In failing to maintain the area in a reasonably safe condition;
- c. In failing to give adequate and understandable warnings to Plaintiff of the unsafe condition;
- d. In failing to discover and remove the dangerous condition within a reasonable time;
- e. In failing to use the care of a reasonably prudent person under the same or similar circumstances;
- f. In failing to place any warning signs; and
- g. In committing various other acts and/or omissions of negligence, both statutorily and at common law, to be specified at the time of trial.

6.

As a result of this incident your Plaintiff has sustained the following injuries, damages and losses:

- a. Medical and other health care related expenses, both past and future;
- b. Physical pain and suffering, both past and future;
- c. Mental anguish, both past and future;
- d. Physical impairment, both past and future; and
- e. Physical disfigurement, both past and future.

In addition, Plaintiff says that if it be shown that she had a pre-existing disease or condition, then she will show that same was neither painful or disabling and that as a result of the injuries inflicted upon her by the negligence of Defendant, Plaintiff's disease(s) or condition(s) were aggravated or incited to the extent that same became painful, disabling and proximately caused the damages described above.

Plaintiff asserts a claim for pre-judgment and post-judgment interest for all elements of damages that such interest is allowed. Plaintiff also asserts a claim for court costs for all costs where such is allowed.

All of the above-listed elements of damages were brought about to occur and were proximately caused by the negligence of the Defendant herein.

7. Request for Disclosure

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

8.

All conditions precedent to Plaintiff's claim for relief has been performed or has occurred.

9. Rule 193.7 Notice

This is given as notice to the Defendant that Plaintiff intends to use all of Defendant's discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

10.

Plaintiff fully reserves the right to amend or supplement this Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, that upon final trial hereof, the Plaintiff recover against Defendant all of Plaintiff's damages as set forth herein as well as pre-judgment and post-judgment interest at the legal and lawful rate, all costs of court, and all other and further relief, at law or in equity, to which your Plaintiff may be justly entitled.

Respectfully submitted,

THE FERGUSON LAW FIRM, L.L.P.

By: /s/ Charlotte Foutz-Rogers

Cody Dishon

State Bar No. 24082113

Charlotte Foutz-Rogers

State Bar No. 24038068

350 Pine Street, Ste. 1440

Beaumont, Texas 77701

T. (409) 832-9700

F. (409) 832-9708

Email: crogers@thefergusonlawfirm.com

ATTORNEY FOR PLAINTIFF

CAUSE NO. 0133253

GENEVIEVE WILLIAMS,	§	IN THE COUNTY COURT OF
Plaintiff,	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
MID-JEFFERSON EXTENDED	§	
CARE HOSPITAL, L.L.C.,	§	
Defendant	§	AT LAW NO. 1

**ORIGINAL ANSWER OF DEFENDANT
MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C.**

TO THE HONORABLE JUDGE OF SAID COURT:

MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C. ("Defendant") files this Original Answer and respectfully states as follows:

I.

General Denial

Defendant denies each and every allegation contained in Plaintiff's Original Petition, and calls for strict proof thereof.

II.

Affirmative Defenses

Defensively and without waiver of the foregoing denial, Defendant asserts the following affirmative defenses:

A. Defendant contends Plaintiff's suit is barred by the applicable statute of limitations.

Defendant reserves the right to amend its answer to assert additional defenses that may be applicable under the facts and circumstances of this case.

WHEREFORE, Defendant MID-JEFFERSON EXTENDED CARE HOSPITAL, L.L.C. prays that Plaintiff's Original Petition and any successive Amended Original Petition be dismissed, and that Defendant be awarded its costs and such other relief as may be appropriate.

Respectfully submitted,

ROBBINS TRAVIS PLLC

By: /s/ Susan J. Travis
Susan J. Travis
State Bar No. 20194750

2485 E. Southlake Blvd., Suite 160
Southlake, TX 76092
(817) 918-2300 Telephone
(817) 458-0414 Facsimile
slt@robbinstravis.com

**COUNSEL FOR DEFENDANT
MID-JEFFERSON EXTENDED CARE
HOSPITAL, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel in the following manner this **14th day of December, 2020:**

VIA E-FILING

Charlotte Foutz-Rogers
The Ferguson Law Firm, L.L.P.
350 Pine Street, Ste. 1440
Beaumont, TX 77701
crogers@thefergusonlawfirm.com

/s/ Susan J. Travis
Susan J. Travis

CAUSE NO. 133,253

GENEIEVE WILLIAMS * IN THE COUNTY COURT
VS. * AT LAW NO. 1, OF
MID-JEFFERSON HOSPITAL
EXTENDED CARE HOSPITAL, LLC * JEFFERSON COUNTY, TEXAS

**ORDER ON PLAINTIFF'S MOTION TO EXTEND
TIME TO RESPOND AND OBJECT TO DISCOVERY**

On this day the Court considered Plaintiff's Motion to Extend Time to Respond (and Object) to Defendant's Request for Disclosure, Requests for Production and First Set of Interrogatories, and Defendant's response, and having heard the arguments of counsel, is of the opinion that Plaintiff's motion should be GRANTED. It is, therefore,

ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for additional time to respond to Defendant's Request for Disclosure, Requests for Production and First Set of Interrogatories, is GRANTED. Additionally, it is ORDERED that Plaintiff's Motion for additional time to serve objections to Defendant's Request for Disclosure, Requests for Production and First Set of Interrogatories is GRANTED and any purported waiver of objections is set aside. Plaintiff shall have 21 days from the date this Order is signed to answer and object to said discovery.

Signed January 25, 2021.


JUDGE PRESIDING



TRUE AND CORRECT
COPY OF ORIGINAL
FILED IN JEFFERSON
COUNTY CLERK'S OFFICE

Case 1:21-cv-00113-TH Document 1-1 Filed 03/15/21 Page 61 of 61 PageID #: 61

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office
03/11/2021

THERESA GOODNESS, COUNTY CLERK
JEFFERSON COUNTY, TEXAS

BY

BECKY GARCIA

DEPUTY



DOKCV

133253

CIVIL DOCKET

IN THE COUNTY COURT AT LAW NO. 1, JEFFERSON COUNTY, TEXAS

Cause No. 0133253

STYLE: GENEVIEVE WILLIAMS
VS
MID-JEFFERSON EXTENDED CARE
HOSPITAL, L.L.C.

PLAINTIFF'S ATTORNEY:	DEFENDANT'S ATTORNEY:
<u>ROGERS, CHARLOTTE FOUTZ</u>	
CASE TYPE: <u>INJURY/DAMAGE: OTHER</u>	
FILE DATE: <u>01/23/19</u>	

[illegible]

DOCKET

FILED FOR RECORD

Carolyn L. Masilko

2021 Jan 26, 05:15 PM

133253

Carolyn L. Guidry, County Clerk
Jefferson County, Texas

Exhibit 9